

R E M A R K S**A. INTRODUCTION**

Claims 1-34 are pending and rejected.

Upon entry of this Amendment:

- Claims 1-34 will be pending
- Claims 1,4, 5, 23, 25, 33 and 34 will be amended
- Claims 1, 4, 5, 23, 25, 33 and 34 will be the only independent claims

B. SECTION 112 ¶ 1 REJECTION

Claims 1-34 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicants respectfully traverse the Examiner's Section 112 ¶ 1 rejection of Claims 1-34.

Specifically, the Examiner states that the feature *in which play comprises providing the player a first question about the prize selected by the player that the player will play for and a second question about at least one prize that the player did not select to play for*, as recited in independent Claim 1, is not enabled by the Specification. [Office Action, pages 2-3]. According to the Office Action:

The separate presentation of question embodiments does not clearly illustrate the manner in which both embodiments would function in combination as presently claimed thereby raising the issue of scope of enablement.

[page 3].

Applicants respectfully traverse the above finding. The Specification clearly describes variations and embodiments in which during play a question may be asked about a particular prize (or entitlement) selected by a player, and also that during play a player may be asked a question about a prize (or entitlement) not selected by the player. Contrary to what is asserted in the Office Action, it would not require undue experimentation by one of ordinary skill in the art to provide for a particular embodiment in which the player is asked at least two questions, one about a prize he has selected to play for, and one about at least one prize he has not selected to play for. The Examiner does not provide any evidence in support of the assertion that such an embodiment would, without further supporting disclosure, be so beyond the ability of the skilled artisan as to require undue experimentation to achieve the claimed embodiment.

However, Applicants have amended the independent claims in order to recite that game play includes *in which play comprises providing the player a first question about the prize (or entitlement) selected by the player that the player will play for* and no longer requires providing a second question.

For at least these reasons, Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 112(1) rejection of Claims 1-34.

C. SECTION 103(A) REJECTIONS

Claims 1-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chu (U.S. Patent Publication No. 2004/0148221), Philyaw (U.S. Patent No. 6,631,404), Auxier (U.S. Patent No. 5,009,429) and further in view of Von Kohorn (U.S. Patent No. 5,697,844). Applicants respectfully traverse the Examiner's Section 103(a) rejection.

However, Claims 1, 4, 5, 23, 25, 33 and 34 have been amended in order to recite a particular desirable embodiment in which the at least one prize (or entitlement) to present or offer a player or user includes not selecting any prize (or entitlement, or product) of a category of which the player has accepted within a predetermined preceding period of time (e.g., within the preceding week). No new matter has been added. The Specification describes various presentation rules for determining which prizes or entitlements to present to a user or player (e.g., for a game showcase), including, e.g., not presenting any prizes of a particular category if a player has accepted a prize of that category in the same week. See, e.g., FIG. 8 ("PR-03") and accompanying text of the Specification.

Applicants respectfully submit that no combination of the cited Chu, Philyaw, Auxier or Von Kohorn provides for all of the claimed subject matter of any of the pending claims (Claims 1-34). Applicants respectfully request the Examiner's reconsideration and withdrawal of the Section 103(a) rejections of Claims 1-34.

D. ADDITIONAL COMMENTS

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner's interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an un rebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner's assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be

construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

E. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

We understand that a two-month extension of time to respond to the Office Action is necessary.

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Charge: \$490.00

Deposit Account: 50-0271

Order No.: 03-034

Please credit any overpayment to the same account.

F. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 438-6408 or via electronic mail at mdowns@finchamdowns.com.

Respectfully submitted,

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Date

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